AMERICAN CIVIL LIBERTIES UNION of CONNECTICUT

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Written Testimony Opposing Senate Bill No. 328, An Act Concerning Minors and Violent Point-and-Shoot Video Games

Good afternoon Senator Bartolomeo, Representative Urban, and members of the Committee on Children. My name is David McGuire. As the Staff Attorney for the American Civil Liberties Union of Connecticut, I am here to oppose Senate Bill No. 328, An Act Concerning Minors and Violent Point-and-Shoot Video Games. I want to commend the committee for taking on the issue of violence in our society. This bill, however, proposes a remedy that would be unconstitutional and ineffective.

In 2011, in *Brown v. Entertainment Merchants Association*, the United States Supreme Court ruled that video games have free speech protections under the First Amendment.[1] The Supreme Court compared the First Amendment protection to that afforded to novels, plays, and other works of art. After reviewing several studies on the subject, the Supreme Court concluded there is little evidence of a link between video game violence and violent behavior in children, and ruled that such a tenuous correlation was not sufficient to impose a restriction on this protected medium.[2] Based on these findings, the Supreme Court ruled that California's regulation of violent video game sales to minors was unconstitutional.

Considering that the Supreme Court has clearly found that video games are protected by the First Amendment, this proposed ban on the use of violent point-and-shoot arcade games by individuals under 18 years of age would be unconstitutional. Like California, the state of Connecticut will not be able to demonstrate that the law is narrowly drawn to serve a compelling government interest. It is not possible for the state to satisfy the compelling government interest requirement because research does not show a direct causal link between violent video games and harm to minors.

As the Supreme Court discovered, most studies conclude that violent video games do not correlate to violent behavior. A recent study published in *Computers in Human Behavior*

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[1] *Brown v. Entm't Merch. Ass'n.*, 131 S. Ct. 2729, 2733 (2011).
[2] *Id.* at 2738.

affirmed as much, concluding that effects from violent video games are inconsequential in relation to violent tendencies in youths.[3] Indeed, since the mid-1990's we have seen an increase in the popularity of video games, and yet there has been a decrease in the rate of serious violent crimes by youth perpetrators.[4]

This bill would also be difficult to enforce and ultimately impractical. Arcade owners would need to remove all point-and-shoot games or require identification and strictly limit who can enter arcades. While meaningful measures can be taken to reduce violence among youths, censoring arcade games is an ineffective and unnecessary measure.

The ACLU-CT is not specifically opposed to the task force proposed in this bill, but we believe it would be wise to turn to more productive ways of curbing youth violence. Numerous studies have already concluded that the link between violent video games and violence in youth is weak to non-existent and it is hard to imagine the taskforce coming to a different conclusion. Rather than allocate this government's limited resources to answering a question that has already been answered, we recommend increasing the availability of mental health services. This investment will have a real impact on deterring youth violence in Connecticut.

We respectfully urge the committee to reject Senate Bill No. 328.

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[3] Whitney D.Gunter & Kevin Daly *Casual or Spurious: Using propensity score matching to detangle the relationship between violent video games and violent behavior,* 28 Computers in Human Behavior 1348, 1348 (July 2012).

[4] http://childstats.gov/americaschildren/beh.asp